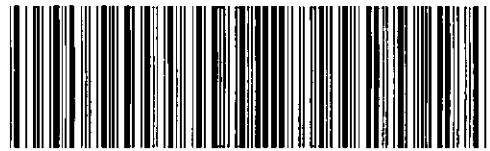


EX. A



21-2-07728-7 58205905 CMP 10-08-21

FILED
IN COUNTY CLERK'S OFFICEPIERCE COUNTY SUPERIOR COURT
KEVIN STOCK
CLERK OF THE SUPERIOR COURT
TACOMA WA

OCT 05 2021

21-2-07727-9

3 PIERCE COUNTY, WASHINGTON

4 KEVIN STOCK, County Clerk
BY O DEPUTY

Rept. Date

10/05/2021

Acct. Date

10/05/2021

Time

09:32 AM

5 Receipt/Item # Tran-Code
2021-03-04001/01 1100
Cashier: TMWDocket-Code
\$FFR

6 Paid By: carpenter, robert

7 Transaction Amount:

\$240.00

8
**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY**

9 ROBERT GLEN CARPENTER,

10 Plaintiff, NO. 21 2 07728 7

11 vs.

12 COMPLAINT

13 PIERCE COUNTY, a governmental
corporation of the STATE OF
14 WASHINGTON by and through its
municipal subdivision the PIERCE
COUNTY SHERIFF'S DEPARTMENT and
individual police administration officers
including SHERIFF PAUL PASTOR, and
JOHN DOES 1-5

15 Defendants.

16
17 COMES NOW the plaintiff, Robert Glen Carpenter, for a Complaint and for
cause of action against defendants, states and alleges as follows:21
22 I. PARTIES23 1.1 Robert Glen Carpenter is a married adult man, resident of Pierce County,
24 Washington and at all times relevant hereto, was a resident of Pierce County,
25 Washington.

1.2 Defendant Pierce County is a governmental corporation under the laws of the State of Washington located therein and including in its boundaries Tacoma, Pierce County, Washington. The Pierce County Sheriff's Department is a governmental subdivision of the County of Pierce for which the defendant County of Pierce has legal liability.

1.3 Paul Pastor was at all times relevant hereto the elected Sheriff of Pierce County, Washington.

II. JURISDICTION

2.1 All acts, conduct and events alleged herein that were perpetrated or undertaken against plaintiff Robert Glen Carpenter were performed or committed by employees or representatives of the Pierce County Sheriff's Department in the course and scope of their employment for which Pierce County by and through governmental subdivision, Pierce County Sheriff's Department, for which actions of employees Pierce County has legal liability.

2.2 Individual defendants Pierce County Sheriff Paul Pastor and John Does 1-5 were at all times employed by the Pierce County Sheriff's Department as law enforcement officers, were primarily in the context of the litigation herein administrators in the Tacoma Police Department and at all times material hereto were acting in that capacity and under color of state law. Individual defendant Paul Pastor was the elected Sheriff for the County of Pierce at all times relevant hereto.

III. FACTUAL BACKGROUND

On the night in question, Robert Glen Carpenter, while off-duty from his job as a Pierce Sheriff's Deputy met two men at a Tacoma restaurant/bar and later agreed to

1 accompany them to another business location to buy from a legal dispensary, for two
2 men's use, a quantity of marijuana product. After he did so, the two men objected to
3 the type of marijuana product he had bought and demanded that he return to the
4 dispensary and buy a different product for them. The dispensary had by then closed.
5 One of the men then began to berate and threaten Carpenter, even pointing a gun at
6 him, and a physical fight ensued. One of the other men gained control of a loaded gun
7 and threatened Carpenter with it. The fight continued as Carpenter tried to regain
8 control of the gun, and, in the process of regaining control over the gun, Carpenter and
9 one of the men, the complaining witness, wrestled for control of a knife. The other man
10 was cut on his hand, and subdued by Carpenter before the police arrived and
11 separated the parties.

12 Carpenter was arrested that night on a charge of assault in the first degree
13 under RCW 9A.36.011. A police investigation by the Tacoma Police Department was
14 then performed and submitted to the Pierce County Sheriff, who, reliant on the TPD
15 investigation, did little or no further investigation prior to terminating Carpenter's
16 employment. Subsequently, after the completion of this deficient investigation process,
17 Carpenter was fired from his longtime employment as a Deputy Sheriff in Pierce
18 County, Washington, with the added consequence that he lost off-duty employment
19 and his employment-associated benefits. He lost the substantial income he made as
20 an expert trainer at the regional police academy and with individual law enforcement
21 agencies. This arrest, and the subsequent firing, violated Robert Glen Carpenter's
22 substantive and procedural due process rights, constituted a tortious interference with
23 his economic interests, and violated his constitutional equal protection rights by treating
24
25

him in a disparate manner and subjecting him to a hostile work environment. As a result of a negligently performed investigation, performed substantially by officers of the Tacoma Police Department but used by Pierce County to provide a basis for firing him, Mr. Carpenter has been subjected to ostracism, damage to reputation, and psychological injury both mental and emotional associated with wrongful discharge from the profession he had been engaged in for over 20 years. He has suffered loss of income, loss of valuable benefits and side work, and impairment of his pension rights. He was in fact the victim of an assault and instead has been subjected to arrest, professional discipline and loss of his career due to the County's failure to adequately assess and investigate the available facts of the incident for which he was wrongfully charged.

Top administrators of the Pierce County Sheriff's Department, and the Tacoma Police Department, directed, approved and coordinated a criminal investigation of Robert Glen Carpenter's actions on the date in question, and wrongfully used an incomplete and skewed investigation as a basis to end the career of this long-serving and highly decorated officer by discharging him wrongfully, causing him psychological injury and financial harm, all in violation of his constitutional rights under the fourth, fourteenth and fifteenth amendments to the United States Constitution.

Attached hereto as Exhibit A, incorporated herein by reference as though fully set forth herein, is a true and correct copy of Robert Glen Carpenter's Claim. More than 60 days have elapsed since the filing of this Claim with the City of Tacoma and the claim is now ripe for this lawsuit to be filed.

1 IV. CAUSES OF ACTION
2

3 **FIRST CAUSE OF ACTION**
4 **(Procedural and substantive Due Process)**

5 4.1 The individual defendants herein, individually and collectively on behalf of
6 the named defendant entity that employs them, acted recklessly and with wilful
7 disregard, arbitrarily and capriciously, of the constitutional protections of citizens and its
8 employees including Robert Glen Carpenter in the conduct herein described and acting
9 under the color of State law deprived plaintiff Robert Glen Carpenter of rights secured
10 by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United
11 States. This conduct of the individual defendants herein constituted de facto, unwritten
12 policy and practice within the context of the Pierce County Sheriff's Department,
13 County of Pierce, for which the County of Pierce has legal liability.

14 **SECOND CAUSE OF ACTION**

15 **(Disparate Treatment and Hostile Work Environment)**

16 4.2 Defendants individually and collectively subjected plaintiff Robert Glen
17 Carpenter to disparate treatment during his arrest, investigation and discharge from
18 employment processes and tortiously interfered with his economic relations, his job, his
19 income and his job-related benefits in violation of provisions of Chapter 49.60 RCW
20 and in so doing created a hostile work environment in which he was treated as a
21 criminal and alienated and discharged after decades of employment on the basis of an
22 unproven allegation from a person outside the agency who was himself a suspect in a
23 crime against Robert Glen Carpenter

THIRD CAUSE OF ACTION **(Tortious Interference with Economic Relations by Defendants)**

4.3 The individual defendants, individually and collectively, tortiously interfered with Robert Glen Carpenter's economic relations in conspiring and/or acting with reckless disregard for probable consequences to Carpenter by creating circumstances that would result in his termination of his employment with the Pierce County Sheriff's Office and in other jobs which he was qualified because of his experience, background and training as a law enforcement officer and by acting on challenged and incorrect information to fire him in spite of the probable consequences to him.

FOURTH CAUSE OF ACTION (42 USC §1983)

4.4 Defendants individually and collectively violated Robert Carpenter's constitutional rights by treating him in a manner consistent with a practice or policy, approved by final a decisionmaker either expressly or tacitly ratified and violative of his constitutional rights, and subjected him to reckless, wilful and wanton conduct for which defendants individually and Pierce County collectively are liable after their use of a negligent investigation and a predetermined review process to fire Carpenter, making them liable for Robert Glen Carpenter's special, general and punitive damages, all in an amount to be proven at the time of trial.

4.5 As a direct and proximate result of defendants' conduct as alleged herein, Robert Glen Carpenter suffered injury and damage to his person, to his reputation, to his good name, his constitutional rights were damaged and infringed, he lost income, suffered physical injury and damage, suffered disability, some of which damages may

1 be long-lasting and permanent, all in an amount to be proven at the time of trial.
2 Plaintiff also asks for attorney fees in accordance with 42 USC 1988 and state law.

3

4 **FIFTH CAUSE OF ACTION: WRONGFUL TERMINATION IN VIOLATION
OF PUBLIC POLICY**

5 4.6 It is a clear public policy that police officers not engage in improper
6 governmental actions, including abuse of authority and creating a substantial and
7 specific danger to the public health or safety.

8 4.7 It is a clear public policy that police officers follow the law by protecting
9 victims of violence and not needlessly endangering victims or themselves.

10 4.8 It is a clear public policy that employees, including police officers, report
11 misconduct and illegal acts against themselves to employers and colleagues.

12 4.9 It is a clear public policy for police officers to refuse to commit illegal acts,
13 like hiding evidence of illegal acts or making false claims.

14 4.10 Washington State law recognizes a clear public policy in protecting
15 employees who are retaliated against and wrongfully discharged in violation of public
16 policy. Public policy supporting employees' freedom to protect himself and defend his
17 actions in the face of illegal, discriminatory, and dangerous practices would be
18 jeopardy if Defendant County were free to discharge any employee who stands
19 accused of a crime by a possible perpetrator of said crime.

20 4.11 The Defendant County owed Carpenter a duty to not discharge him in
21 violation of public policy where he stood falsely accused by a perpetrator of an assault
22 who fabricated a self-exculpatory version of an event in which he was an aggressor
23 and blaming Carpenter for an incident that he, not Carpenter, created.

1 4.12 The Defendant County breached this duty when it repeatedly retaliated,
2 harassed, and created a hostile work environment for Carpenter and when they
3 ultimately used a flawed, incomplete and inaccurate police report generated by officers
4 of the Tacoma Police report regarding an incident that occurred on October 5, 2018 as
5 a pretext to fire Carpenter on December 28, 2018.

6 4.13 The Defendant County breached this duty when it repeatedly retaliated,
7 harassed, and created a hostile work environment for Carpenter after he denied the
8 self-serving and false version of events put forward by the complaining witness and
9 presented credible evidence that the witness was fabricating his story.

10 4.14 The Defendant County's unwarranted termination of Carpenter was in
11 direct retaliation for Carpenter speaking up against the unlawful acts of the complaining
12 witness and were the culmination of the hostile work environment he had to endure.

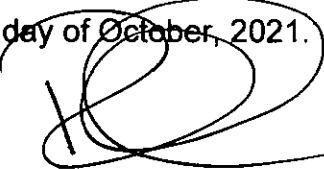
13 4.15 The retaliation and harassment resulted in intolerable working conditions
14 for Carpenter. When he was discharged by the Defendant County Carpenter was
15 separated from the Pierce County Sheriff's Department.

16 4.16 Defendant County violated state law when it discharged Carpenter for
17 refusing to accept blame for an assault that he did not commit. There were no
18 legitimate or non-discriminatory bases for their termination except a report from TPD
19 detectives that was challenged and shown to be false but used anyway as a basis for
20 termination.

21 4.17 As a direct and proximate cause of these breaches, failures and
22 omissions by the Defendant County and its commanding officers, Carpenter has
23 suffered emotional distress, psychological distress, physical harm, humiliation, loss of

1 wages and benefits, damage to his personal reputation, damage to his professional
2 reputation and ability to advance in the workplace, and other damages. The damages
3 are significant and ongoing.

4 WHEREFORE, Robert Glen Carpenter prays for damages for all special and
5 general damages as alleged herein, for punitive damages and fees under 42 USC §
6 1988 against the individually-named defendants for their reckless, wilful and wanton
7 conduct, for an award of reasonable attorney's fees by statute where permitted by state
8 and federal law and for such other and further relief as the Court may find fair and just.
9

10 DATED this 5th day of October, 2021.
11 
12

13 Robert Glen Carpenter
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EXHIBIT A

AMENDED Claim for Damages**Pierce County**

Risk Management Division, Ph: 253-798-7462

Notice: No damages can be paid by Pierce County unless a claim complying with Washington State Law is presented to Pierce County Risk Management. After filing a claim, please direct all questions to Risk Management at (253) 798-7462 (Office Hours 8:00am - 4:30pm). Pursuant to RCW 42.56 any documents submitted with this claim form are public records subject to disclosure.

Instructions: (1) Complete this form giving specific details about your damage or loss. Include dates, times, witnesses and supporting documents (attach additional pages as necessary). (2) Sign the form. (3) Return completed form with signature to Pierce County Risk Management, 955 Tacoma Avenue S., Suite 303, Tacoma, WA 98402 or PCRISKMGMT@piercecountywa.gov. (RCW 4.96.020) Explanation of claims process: After this Claim for Damages is received by Risk Management, a claim number and an Investigator will be assigned. The Investigator will conduct an investigation and contact you if further information is needed.

Name:	<u>Robert Glen Carpenter</u>	Date of Birth:		
Address:	<u>622 Upper Park Street, Tacoma, WA 98404-1636</u>			
Business Phone:	<u>N/A</u>	Home Phone:	<u>253-255-7485</u>	
		Message/Call Phone:		
Address at time of loss/ Incident occurred:	<u>622 Upper Park Street, Tacoma, WA 98404-1636</u>			
Incident occurred:	<u>October 5, 2018 at 00:45:00 at Pacific Avenue South/38th Street, Tacoma, WA 98418</u>			
Date of Incident:	<u>October 5, 2018 and thereafter</u>		Time of Incident:	<u>12:15 A. M. and thereafter</u>
Amount Claimed:				<u>\$9,000,000.00</u>
Location of Loss/Incident:				
Pacific Avenue South/38 th Street, Tacoma, WA 98418				
Description of Details (Describe how the loss/incident occurred):				
<p>On the night in question, Robert Glen Carpenter, while off-duty from his job as a Pierce Sheriff's Deputy met two men at a Tacoma restaurant/bar and later agreed to accompany them to another business location to buy from a legal dispensary for their use a quantity of marijuana. After he did so, the two men objected to the type of marijuana product he had bought and demanded that he return to the dispensary and buy a different product for them. The dispensary had by then closed. The men then began to berate and threaten Carpenter, and a physical fight ensued. One of the other men gained control of a loaded gun and threatened Carpenter with it. The fight continued as Carpenter tried to regain control of the gun, and, in the process of retaining control over the gun, Carpenter and one of the men wrestled for control of a knife. The other man was cut on his hand, and subdued by Carpenter before the police arrived and separated the parties.</p>				
<p>Carpenter was arrested on a charge of assault in the first degree under RCW 9A.36.011. Subsequently he was fired from his longtime employment as a Deputy Sheriff in Pierce County, Washington, with the added consequence that he lost off-duty employment and his employment-associated benefits. This arrest, and the subsequent firing, violated Robert Glen Carpenter's substantive and procedural due process rights, constituted a tortious interference with his economic interests, and violated his constitutional equal protection rights by treating him in a disparate manner and subjecting him to a hostile work environment. As a result of a negligently performed investigation, Mr. Carpenter has been subjected to ostracism, and psychological injury both mental and emotional associated with wrongful discharge from the profession he had been engaged in for over 20 years. He has suffered loss of income, loss of valuable benefits and side work, and impairment of his pension rights. He was in fact the victim of an assault and instead has been subjected to arrest, professional discipline and loss of his career due to the County's failure to adequately assess and investigate the available facts of the incident for which he was wrongfully charged.</p>				
<p>Top administrators of the Pierce County Sheriff's Department, and the Tacoma Police Department, directed, approved and coordinated a criminal investigation of Robert Glen Carpenter's actions on the date in question, and wrongfully used an incomplete and skewed investigation as a basis to end the career of this long-serving and highly decorated officer by discharging him wrongfully, causing him psychological injury and financial harm.</p>				
Pierce County's Involvement (if possible, please identify employee, department and/or vehicle involved):				
<p>Pierce County Sheriff 930 Tacoma Ave S Tacoma, WA 98402 (253) 798-7530 Sheriff Ed Troyer;</p>				

RECEIVED

AUG 04 2021

PIERCE COUNTY
RISK MANAGEMENT DIVISION

Sheriff Paul Pastor;
Lt. Mueller;
Sgt. Myhre;
Undersheriff Brent Bomkamp
Forensics Technology Specialists, names unknown;

Witnesses (Please provide addresses and phone numbers):

City of Tacoma
Tacoma Police Department
3701 S Pine St
Tacoma, WA 98409
(253) 798-4721

Detectives and all personnel from TPD involved in the investigation of this case;
Former Detective Sergeant Mark Merrod;
Forensics Technology Specialists, names unknown;
Forensics Paul Depolster;
PPO Scott Hendershot;
O Jon Eberle;
James Buchanan;
Retired Sergeant Michael Lim;
Brian Vold;
Christopher Burbank;
Brandon Scheetz;
Angel Castaneda;
Aaron Lucas;
Det. Reopelle;

Samuel Corales
8309 14th Avenue East
Tacoma, WA 98404
(516) 943-8499

Isaac J Vaughan
901 East 72nd St., #3A
Tacoma, WA
(757) 593-7879

Emmanuel R Bradsher
206 Auburn Way N
Auburn, WA 98002
(206) 778-1646

Jann Athea Hilotin Mella
915 South 27th St
Tacoma, WA 98409
(206) 778-1696

Address/Contact information unknown:

Armando Farinas;
Nathan Reetz;
Meaghan Jones-Rush;
Malerie Ramos;
Eric Schillen

10/11/2021 7:39:07

Property Damage (please describe the value and extent of the damage to your home, automobile or personal property. Attach estimates, bills, photographs and whatever documentation of damages you may have):

Mr. Carpenter's 9mm pistol and his knife were confiscated when he was arrested. His vehicle has been returned to him.

Make/Model: N/A

Year: N/A

License #: N/A

Insurance Company: N/A

Policy #: N/A

Were you injured? Yes [X] No [] ; If yes, then complete the following:

Mr. Carpenter suffered superficial injuries in the incident in question, which resolved within a short time.

Are you currently receiving medical treatment? Yes [] No [X]

Are you currently on Medicare/Medicaid? Yes [X] No []

Describe your injury (Identify your doctor(s)/healthcare provider(s)):

Dr. Paula van Pui, 3815 100th St SW - Lakewood, WA, 98499, (253) 984-7686

"I declare under penalty of perjury under the laws of the State of Washington that the above is true and correct."


Signature of Claimant or Authorized Agent (RCW 4.96.020 (3))

8/4/21
Date